

REGULAR CITY COUNCIL MEETINGDECEMBER 17, 1984PRESENT

Grant S. Nielson  
 Don Dafoe  
 Neil Dutson  
 Gayle Bunker  
 Ruth Hansen  
 Craig Greathouse

Mayor  
 Council Member  
 Council Member  
 Council Member  
 Council Member  
 Council Member

ABSENT

Dorothy Jeffery

City Recorder

OTHERS PRESENT

Jim Allan  
 Warren Peterson  
 Doyle Bender  
 Ray Valdez  
 Bryce Ashby  
 Gregory Cooper  
 Kim Taylor  
 Roger Young  
 John Quick  
 Randy Green  
 Jim Fletcher  
 Vance Bishop  
 Robyn Pearson  
 Steve Young

City Manager  
 City Attorney  
 City Treasurer  
 City Building Inspector  
 City Fire Chief  
 Chief of Police  
 Police Sgt.  
 Police Detective  
 City Engineer  
 Architect  
 KNAK Radio Station  
 City Resident  
 Millard County Administrator  
 Millard County Building Inspector

Mayor Grant Nielson called the meeting to order at 7:00 p.m. and stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 2

ACCOUNTS PAYABLE

The Council discussed the list of accounts payable which had been distributed to the Council members two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Don Dafoe MOVED to approve payment of the accounts payable as listed, including payment for the remainder of the monthly billing from Delta City Attorney, with the exception of the Mountain States Office Products bill. Council Member Ruth Hansen SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the accounts payable. There being none, he called for a vote on the motion. The motion passed unanimously.

CITY ATTORNEY WARREN PETERSON: DISCUSSION OF THE NARROWING OF THE STREETS  
ADJACENT TO LOT 12 IN WHITE SAGE SUBDIVISION

Attorney Peterson informed the Council he would need additional time for research regarding the narrowing of the street adjacent to Lot 12 in the White Sage Subdivision and requested the issue be tabled until a later date. The Council agreed.

CITY MANAGER JIM ALLAN: PETERSON/TOLLEY BUSINESS LICENSE

Mayor Grant Nielson asked City Manager Jim Allan to review the situation concerning Peterson/Tolley Carpets. Mr. Allan stated that the Rayola P. Tolley property, Lot 1, Block 12, is zoned R2, two family dwellings, permitting home occupations but disallowing retailing. Mrs. Tolley has been

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 3

operating a retail curtain and carpet store at that location and has requested that the lot be rezoned to permit her business to continue. He stated that the Planning and Zoning Commission held a meeting on October 24, 1984, and reviewed the situation. It found that there were a number of lots that should be rezoned in the area in question. The Planning and Zoning Commission held that the land use for trade was appropriate for a given portion of the area and at the same time did not want to single out a small parcel of land for commercial purpose that would be to the detriment of surrounding land owners. Consequently, the Planning and Zoning Commission felt that R-4C multiple family commercial zoning would be compatible with the City's comprehensive plan for development. It recommended that the Delta City Council set a date for a public hearing to receive public comment and approve the zone change on the following properties to R-4C:

Parcel #1: All of Lot 1, Block 12, amended Delta Townsite, Plat A.

Parcel #2: All of Lot 2, Block 12, amended Delta Townsite, Plat A.

Parcel #3: That portion of Lot 3, Block 12, amended Delta Townsite Plat A, beginning at the Northeast corner of Lot 3, Block 12; thence South 165.0 feet; thence West 137.5 feet; thence North 165.0 feet; thence East 137.5 feet to the point of beginning.

Parcel #4: That portion of Lot 2, Block 33, amended Delta Townsite Plat A, lying South of LA and SL Railroad (Fillmore Branch) Line.

Parcel #5: That portion of Lot 3, Block 12, amended Delta Townsite Plat A, beginning at the Southeast corner of Lot 3, Block 12; thence West 137.5 feet; thence North 82.5 feet; thence East 137.5 feet; thence South 82.5 feet to the point of beginning.

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 4

Council Member Craig Greathouse MOVED to schedule a public hearing to consider rezoning of the above described properties for January 7, 1985. Council Member Gayle Bunker SECONDED the motion, which passed unanimously.

RANDY GREEN: DISCUSSION OF CONTRACT ON DELTA CITY MUNICIPAL BUILDING

Randy Green reviewed with the Council the following document:

October 30, 1984

Doyle Bender, City Treasurer  
Delta City  
P. O. Box 397  
Delta, UT 84624

RE: Delta Municipal Building  
DLRA Project No. 4500581  
Payments for Architectural Services

Dear Doyle:

Enclosed you will find a complete recapitulation of all invoices sent to Delta City during the life of the project.

During 1982, DLRA agreed to drop any interest charges associated with late payments because we realized that funding was not in place and the City was not in a position to make payments. You will note that on 01/01/83, all interest to date was voided. At the end of 1982, the fee was adjusted to reflect the change in scope of the project (note: credit memos dated 05/10/83).

On 10/12/83, we received payment on fees in the amount of \$40,236.45 and payment for the soils investigation in the amount of \$3,148.82. These payments were made approximately three months after the invoices were sent. No payments have been received since 10/12/83. We hope that you can appreciate that our expenses are on-going and we must pay employees and other expenses monthly. When payments are not made to us by a client, it becomes very expensive for us and that is the reason that our contract with Delta City allows us to charge interest on unpaid invoices.

Page two of the attached recap. summarizes the billings and also summarizes the amounts still owing as of 08/01/84. The

total fee shown does not include the additional fee due as a result of Change Order No. 3, which amounts to \$270.53. Therefore, to date, the total balance due is as follows:

A/E FEES	\$13,536.14
Reimbursement	4,026.86
Interest	1,498.30
<b>TOTAL DUE</b>	<b>\$19,061.30</b>

On a related matter, there is a low area in the asphalt paving in the North parking lot, which needs to be corrected. It will require adding asphalt to a triangular area which now does not drain properly. We have contacted Westside Grading about doing the work and have a bid of \$465.00. This is work which we feel we are responsible for. If the City is willing to work with us on this matter, we would propose the following:

1. DLRA will redcut the amount of interest owed to \$1,100.00, a reduction of approximately one-fourth.
2. Delta city will pay the \$465.00 for corrective asphalt work and deduct that amount from the \$1,000.00 interest owed to DLRA. (If the actual cost is less, the credit will be due to DLRA).
3. Delta City will immediately pay DLRA the balance owing, detailed as follows:

A/E fees	\$13,536.14
Reimbursements	4,026.86
Interest	635.00
<b>TOTAL DUE</b>	<b>\$18,198.00</b>

If this arrangement is acceptable to the City, please have the appropriate person sign in the space provided below and return one copy of this letter to our office.

If you have any questions, please call us as soon as possible. We have enjoyed working for Delta City these past two and one-half years and are anxious to avoid the problem of payments to us becoming a point of contention. Please let us know what else we can do to resolve this matter.

Sincerely,  
 DANA LARSON ROUBAL & ASSOCIATES  
 John E. Peterson, AIA  
 Partner of the Firm  
 Director of the Office  
 JEP:mc  
 Enclosures

*John E. Peterson*  
*John E. Peterson*

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 5

CITY ENGINEER JOHN QUICK: PAYMENT REQUEST FOR RON JOHNSON CONSTRUCTION  
COMPANY AND GENEVA PIPE -- STORM DRAINAGE PHASE I AND INTERSTATE  
CONSTRUCTION SEWER IMPROVEMENT PROJECT PHASE III

City Engineer John Quick reviewed with the Council Payment Request No. 1 from Ron Johnson Construction Company for work completed to date on the storm drainage improvement district Phase I. Mr. Quick told the Council the amount earned to date is \$80,747.00. The amount to be retained is \$8,075.00. The amount of the payment request is \$72,672.00. Mr. Quick recommended the Council approve the payment request. Council Member Don Dafoe MOVED to approve the payment of \$72,672.00 to Ron Johnson Construction Company for Phase I of the storm drainage project for work completed to date. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

Mr. Quick presented each Council member with a copy of Change Order Number 1 from Ron Johnson Construction Company for work on the storm drainage Phase I project.

Following a brief review of the change order, John Quick recommended that the Council approve Change Order Number 1 in the amount of \$6,480.00. Council Member Don Dafoe MOVED to approve the aforementioned change order for Ron Johnson Construction Company. The motion was SECONDED by Council Member Craig Greathouse. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he asked for a vote on the motion, which passed unanimously.

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 6

John Quick presented invoices totalling \$91,679.20, less \$1,833.58 discount if paid within ten days, making a total due of \$89,845.62 for supplies for the street improvement project and the storm drainage Phase I and recommended payment of the request. Mr. Quick advised the Council the supplies had been delivered. Following a brief review of the invoices, Council Member Gayle Bunker MOVED to approve payment to Geneva Pipe in the amount of \$89,845.62. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he asked for a vote on the motion, which passed unanimously.

Mr. Quick presented Payment Request No. 2 from Interstate Construction Company in the amount of \$105,729.30 for work completed to date on sewer improvement project Phase III. Following a brief discussion of the payment request, Council Member Craig Greathouse MOVED to approve the payment request in the amount of \$105,729.30 to Interstate Construction Company. Council Member Gayle Bunker SECONDED the motion. The motion passed unanimously.

CITY MANAGER JIM ALLAN: REPLACEMENT OF BUILDING INSPECTOR

City Manager Jim Allan presented the Council with an information sheet regarding the replacement of Building Inspector Ray Valdez. It read as follows:

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 7

### I. GENERAL

Delta City's Building Inspector and Zoning Enforcement Officer position will become vacant effective December 28, 1984.

Mr. Ray Valdez has accepted a position as quality control officer with Hercules Aerospace Company, Magna, Utah.

### II. PROBLEM

To identify and hire a new building inspector and zoning enforcement officer willing to assume these duties either for a limited time or indefinitely.

### III. DISCUSSION

Paul Nelson and Associates indicate in the IPP Monitoring Report No. 11, 2d Quarter 1984, that the impact housing demand for Delta City will continue to rise until the third quarter of 1985.

The yearly trend in building permits has also substantiated this forecast. Between 1983 and 1984 there was an increase of 98% in building permit requests to a total of 92, and it is anticipated that this trend will continue for next year.

With the amount of building still going on and anticipated, the requirement to have a qualified building inspector who is International Conference of Building Officials (ICBO) certified still exists.

### IV. OPTIONS

There are three options open for consideration. Because of its importance, the duties of zoning enforcement should be redelegated to the Superintendent of Public Works.

#### A. Part Time Building Inspector

The first option is to hire a part time person who could qualify as a building inspector. This person would most likely be from the Delta area because of the limited time and pay the position would permit. Although there might be someone locally willing to accept such a position, they would more than likely not be ICBO certified.



B. Full Time Building Inspector

The second option is the most costly of the three and is similar to the present situation. It is doubtful, however, if someone would be willing to accept the position since it may require phasing out or at least phasing back after 1985. Further, the need to have a full time building inspector is not necessarily warranted unless the duties of this person would be expanded, such as a planner for the City.

C. Intergovernmental Cooperation Agreement

The third option is to use the service of Millard County's planner and building inspector, Mr. Steve Young. This concept is presently being used by Fillmore City to their satisfaction. This concept lends itself to Delta City's present and future situation, i.e., Mr. Young is already familiar with the area, the contractors, and the individual problems. He is ICBO certified and is serving as the County's building inspector.

An agreement would have to be worked out with Millard County to utilize Mr. Young on a scheduled basis so that Delta City could set inspections with the contractors. Service payment would be based on the job for small projects and based on \$15.00 per hour on major construction, such as the hospital. It should be noted, however, that some contractors dislike Mr. Young and, therefore, would not favor the City contracting for his service.

V. RECOMMENDATION

I feel that the third option would be the best for the City for the following reasons:

1. This option would cost the City the least amount of money and would still permit this activity to continue at the same service level.
2. Mr. Young's certification ensures that he understands and has a firm grasp of the Uniform Building Codes which he must enforce to uphold the building standards of the City.
3. Having been schooled in the building codes, he could continue to deal with new changes that may arise each year, providing for continuity in the inspections.

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 9

4. Mr. Young as a County employee would guarantee that he would remain in the area after 1985 and continue to provide his services even with further reduced requirements.

Following a brief discussion it was the opinion of the Council that additional information was necessary prior to any Council action being taken. Therefore, the issue was tabled. Robyn Pearson, Millard County Administrator, will do further research and meet with the County Commissioners to discuss the issue.

CHIEF GREGORY COOPER: POLICE DEPARTMENT UPDATE

Chief Gregory Cooper introduced Sgt. Kim Taylor as his Administrative Assistant and as the person responsible for the accumulation and presentation of the following statistical report describing the Department status to date. Detective Roger Young was also introduced as having been recently assigned to a full time detective position as well as Crime Prevention Bureau. Sgt. Kim Taylor presented a chart displaying the increase in need for police protection. It is as follows:

<u>NOVEMBER 1983 - NOVEMBER 1984</u>		
<u>1983</u>	<u>1984</u>	
728	1286	Call Out Report
459	723	Cases (Reports)
16% Active	10%	Case Status
27% Closed	24%	
56% Cleared	66%	Man Power Increase
2 men	28%	
192	248	Total Arrests (DUI not included)
55	83	DUIs
7	29	NARC Activity
706	867	Citations
58	101	Traffic Accidents
1207.5	1182	Overtime

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 10

Sgt. Taylor stated that there has been an overall activity increase of 53% in all cases with only a 20% increase in men.

In 1983 the total of bad checks that were written to Delta businesses were \$6,731.66. At the present, \$10,617.26 have been written in 1984. In 1983, the department has recovered \$2,761.51 and in 1984 \$5,138.62 was recovered. There has been a 58% increase in dollar value of bad checks that are being written.

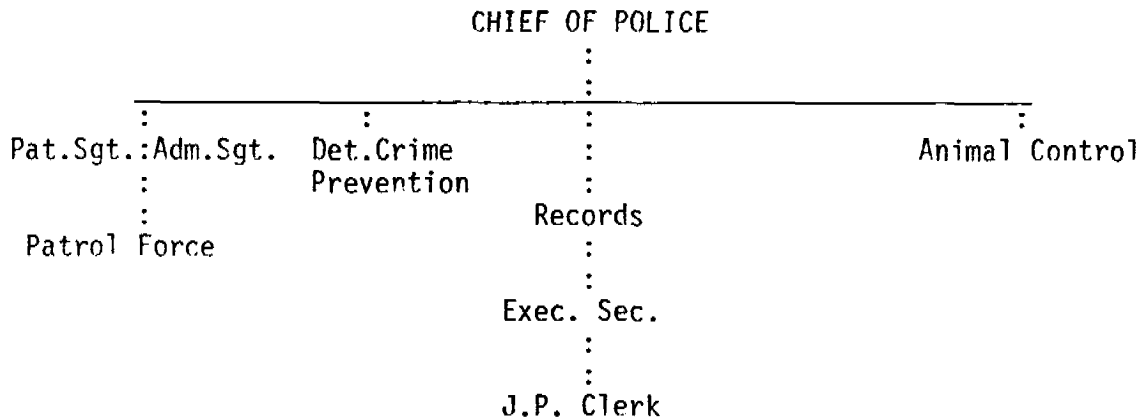
Detective Roger Young stated that the majority of the businesses are using police services for recovering bad checks. Additionally, Detective Young reported several of the crime prevention programs currently in force, i.e., P.A.C.T, newspaper article, PSA, McGruff, Neighborhood Watch, Sound Off, etc.

Chief Gregory Cooper stated that according to present population and the original agreement entered into between IPP and Delta City, there should be one police officer to every 500 people. At the present time, the department has nine officers including Chief Cooper. However, according to the population, there should be 13 officers. At the expected peak of Delta's population, there should be 14 police officers on duty. However, Chief Cooper indicated that if the department maintains its present level of control, he did not expect there would be a need for 14 officers.

Chief Cooper reviewed the police department's goals with the Council and showed the Council the restructuring of the Police Department, which is as follows:

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 11



Chief Cooper reported that subsequent to the departmental reorganization and assignments, significant increases in clearance rate have resulted citing special contribution to Detective Young's assignment. Chief Cooper also advised that if the department is to maintain the successful clearance rate, he would have to maintain a full time detective position. Detective Young was applauded by Chief Cooper for his performance in his new assignments.

Chief Cooper stated that there has been an increase in work load, which was displayed before the Council in chart and diagram form, and he expects that there will be more increase this year based on the premise that for the past two years there has been a steady increase in overall activity beginning in January and each year respectively. Based on the projections issued by the Impact Monitoring Report published by Paul Nelson & Associates, it is expected that there is going to be a continued increase in population and that there will be a proportionate increase in work load. Additionally, due to Roger Young's present assignment as detective, the department is presently down one patrolman and therefore less than minimum capacity. Chief Cooper then requested the option to hire another officer in the future subsequent to an evaluation of work load at the end of January, 1985,

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 12

comparing the trend to January 1983 and 1984. Rather than come before the Council again, Chief Cooper suggested that the option of hiring another officer come before City Manager Jim Allan for approval based upon Chief Cooper's being able to show the need for another officer.

Council Member Ruth Hansen MOVED to authorize Mayor Nielson and City Manager Jim Allan to be authorized to follow Chief Cooper's recommendation to hire an officer when needed. Council Member Don Dafoe SECONDED the motion. Mayor Nielson called for a roll call vote, which is as follows:

Council Member Craig Greathouse	No
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	No
Council Member Gayle Bunker	Yes

The motion carried.

CITY ATTORNEY WARREN PETERSON: VACATION OF FIFTH NORTH STREET EAST OF 350  
EAST STREET

Mayor Nielson requested that City Attorney Warren Peterson explain to the Council the reason for further vacation of a portion of Fifth North Street. Mr. Peterson said that an additional 13 feet along the south side of the Fifth North right-of-way lying east of 350 East Street was being vacated. Mr. Peterson diagrammed the location of the street relative to the north

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 13

section line of Section 7, Township 17 South, Range 6 West. He said the initial plan was to have 25 feet of the original City right-of-way lying adjacent to and south of the section line retained by the City and to have 25 feet north of the section line dedicated by the property owners so that Fifth North Street could be developed as a 50-foot wide street. He explained, however, that during design and development of NorDel Subdivision the subdivision had been designed with 38 feet of Fifth North Street lying north of the section line and 12 feet lying south and that curb and gutter had been installed along that alignment. Therefore, the adjoining property owners had requested vacation of the additional 13 feet so that the curb and gutter section already installed would not have to be moved. Mr. Peterson also said that he ordinance would change the designation of Fifth North Street to 450 North Street, which was the correct geographical designation for this street. In response to a question from Mr. Peterson, City Engineer John Quick said that the street surfacing and drainage cross-section could be properly designed to alignment with the portion of 450 North Street lying west of 350 East Street.

After further discussion, Council Member Don Dafoe MOVED to adopt Ordinance No. 84-88 vacating a portion of Fifth North Street and redesignating Fifth North Street as 450 North Street. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson called for a roll call vote which was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 14

Council Member Gayle Bunker declared that he was one of the owners of NorDel Subdivision and the adjoining property and therefore he abstained from voting.

CITY MANAGER JIM ALLAN: REPORT ON TRIP MADE WITH OTHER MANAGERS AND COUNCILS REGARDING SOLID WASTE SITES

Millard County Administrator, Robyn Pearson, stated that the County wants a unified, cost effective system for solid waste. A system for consideration is the roll off system being used by other counties. There was also discussion as to whether a service district would run this or whether Millard County would run this. Financing of this project was discussed. A fee would be charged to everyone to dump anywhere. If one is using a commercial garbage, they would then pay that fee also.

Council Member Craig Greathouse MOVED to authorize Mayor Nielson or City Manager Jim Allan to write a letter stating that the Council is in favor of a landfill and roll off system. Council Member Don Dafoe SECONDED the motion, which passed unanimously.

CITY MANAGER JIM ALLAN: EVALUATION OF POLICE CHIEF GREGORY COOPER

At the request of Mayor Nielson, City Manager Jim Allan distributed to the Council members copies of a job performance evaluation of Police Chief Gregory Cooper completed by Mayor Nielson and Mr. Allan. The Council members read the job performance evaluation and discussed the recommendation

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 15

contained in the evaluation that Mr. Cooper be given a two step increase on the City salary schedule. Mr. Allan said that one step of the two step increase was recommended based on satisfactory job performance and the second step for exemplary performance. City Council members voiced agreement with the job evaluation given by Mr. Allan.

After discussion of the job evaluation, Council Member Gayle Bunker MOVED to approve a two step increase in the salary schedule for Police Chief Gregory Cooper effective December 1, 1984. Council Member Don Dafoe SECONDED the motion, which passed by a unanimous vote.

MAYOR GRANT NIELSON: JOB PERFORMANCE EVALUATION OF CITY MANAGER JIM ALLAN

Mayor Nielson requested that City Manager Jim Allan distribute to the Council members copies of a job performance evaluation prepared by Mayor Nielson. Mayor Nielson said Mr. Allan had done a fine job for the City during his time as City Manager. The Mayor voiced regret that Mr. Allan was not a resident of Delta City on a full-time basis. Mayor Nielson also said that the evaluation did not contain a pay increase because he wished to leave that decision to the City Council. Mayor Nielson verbally recommended to the Council that Mr. Allan be given a two step increase to Step 27E. Each of the Council members expressed appreciation for the excellence shown by Mr. Allan in performance of his job. The Council members also discussed whether a two step increase was appropriate. After discussion, Council Member Craig Greathouse MOVED to approve the evaluation of City Manager Allan as prepared by Mayor Nielson and to approve a two step pay increase to



MINUTES: Regular City Council Meeting, December 17, 1984  
Page 16

level 27E effective December 1, 1984. The motion was SECONDED by Council Member Don Dafoe and passed unanimously.

CITY ATTORNEY WARREN PETERSON: STATUS REPORT ON HURRICANE SAND & GRAVEL v.  
DELTA CITY

Mayor Nielson requested that City Attorney Peterson report to the Council on the status of litigation between Hurricane Sand & Gravel and Delta City. Mr. Peterson said the trial had been completed in six days, three days longer than had been scheduled. He also said that a written brief in support of the City's position had been submitted to the Court and the Court had said to expect a decision in January, 1985.

COUNCIL MEMBER DON DAFOE: DISCUSSION OF VEHICLE ALLOWANCE FOR PARKS AND  
RECREATION DIRECTOR

Council Member Don Dafoe requested that the Council grant a vehicle allowance to Parks and Recreation Director Laura Burnham. Mr. Dafoe said that she is required to use her own vehicle to drive from the Parks and Recreation office located in the Delta Regional Park to the city offices, IPP site, various sites for classes and activities and to other cities for supplies, trophies and awards and various conferences. He said a City vehicle is not available for such uses, and that Ms. Burnham receives no vehicle allowance compensating her for use of her own vehicle. He also said the short distances involved in most of the travel make travel vouchers and mileage records impractical. Council Member Don Dafoe recommended that she

AAH558

MINUTES: Regular City Council Meeting, December 17, 1984  
Page 17

be given a vehicle allowance of \$100.00 per month retroactive to July 1, 1984.

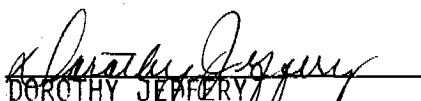
Council Member Craig Greathouse said that he was opposed to vehicle allowances for City employees because he thought it would be less expensive for City vehicles to be used for such travel. Mr. Greathouse suggested that the Ford pickup previously used by the building inspector be assigned to the Parks and Recreation Department for use by Ms. Burnham and the Parks and Recreation park maintenance supervisor.

After further discussion, Council Member Don Dafoe MOVED to authorize payment of \$100.00 per month as a vehicle allowance to Parks and Recreation Director Laura Burnham beginning December 1, 1984. The motion was SECONDED by Council Member Gayle Bunker. Mayor Nielson asked whether there was any further discussion. There being no further discussion, he called for a vote. The motion passed by a four to one vote, with Council Member Craig Greathouse voting against the motion.

Council Member Don Dafoe then MOVED to adjourn the meeting. The motion was SECONDED by Council Member Gayle Bunker and passed unanimously. Mayor Nielson declared the meeting adjourned at 12:52 am.m on December 18, 1984.

\_\_\_\_\_  
GRANT S. NIELSON, Mayor

ATTEST:

  
DOROTHY JEFFERY  
Delta City Recorder